



December 5, 2005

Kevin Hancock
Washington Department of Ecology
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Dear Mr.:

I am writing these comments on behalf of Agri Beef Co. a privately owned family agricultural business with operations in Washington, Kansas, Idaho and Nevada. Our Feedyard operations in Washington include El Oro Cattle Feeders near Moses Lake, Coulee Cattle Feeders near Warden and Par 4 Cattle Feeders also near Warden. In addition, we own and operate Washington Beef, a processing facility located in Toppenish and Performix Nutrition systems, an animal feed company located in Moses Lake. Suffice it to say, we have a significant investment in Washington State that extends beyond our facilities and into the local communities that we operate in.

As such, we appreciate the opportunity to comment upon the draft General Permit for CAFOs.

Issues Requiring Further Study and Investigation

- The proposed permit attempts to take an existing “point source surface water regulation” and apply it to groundwater without defining or developing the groundwater science, classification, measurements, standards, and points of compliance that will be employed. These issues are highly technical and have taken years to develop in the regulation of surface waters. The proposed permit seems to recognize that none of these benchmarks are in place, making most aspects of this regulatory program premature.

Specific Comments on Draft Language

- S1 A3b. We would request additional clarification in relation to the Agricultural Storm Water Exemption. Specifically, recognizing that Agricultural Storm water is exempt from the Clean Water Act and further in relation to land application “discharges of manure, litter and process wastewaters from the land application areas of a CAFO are agricultural storm water discharges where the manure or process wastewater has been applied in

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accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure or process waste water.” We also recommend amending the language to state “that results in a discharge of manure or process wastewater **into waters of the United States** from land application not in accordance with the Nutrient Management Plan.”

- S1 B32 Operators are expected to achieve standards like “all known, available, and reasonable methods of *prevention*, control, and treatment,” which is a complex regulatory concept for which the state or the regulated community has no experience. Impossible to implement when none of the benchmarks are set.
- S2 B4. Please add clarification that only those land application areas under the ownership or control of the permittee are applicable.
- S4C2a. Current Federal Clean Water Regulations only require soil sampling to be conducted once every 5 years. Requiring soil sampling on an annual basis is excessive and is inconsistent with requirements imposed on others in the Agricultural community. We feel that the soil sampling requirements in the state of Washington should be consistent with those required under the EPA’s Clean Water Act.
- G17. We request striking the following sentence. “Each and every such violation shall be a separate and distinct offense and in the case of a continuing violation, every day’s continuance shall be deemed a separate and distinct violation.”

Again, we appreciate the opportunity to comment on this draft permit. We would hope that the final document would allow for the same cooperative relationship to exist in the future as it has in the past.

Very truly yours,



Jeff Johnson
President Beef Supply Management Division
Agri Beef Co.